

City of Taylorsville
Planning Commission Meeting
Minutes
Tuesday – December 13, 2005 – 7:00 P.M.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Kristie Overson, Chair
Ted Jensen
Robert "Bip" Daniels
Blaine Smith
Angelo Calacino
Dama Barbour
Scott Bolton
Joan Ruston-Carlson (Alternate)

Community Development Staff

Mark McGrath, Director
Michael Maloy, City Planner
Dan Udall, City Planner
Jean Gallegos, Admin Asst/Recorder
Excused: Nick Norris, City Planner

PUBLIC: Chet Nichols, Shanna Spicer, Utahna Tassie, Linda Cleveland, Kristin Cleveland, Eldon Paskett, Mary Paskett, Kate Paskett, Don Watts, Marion Kimura, Les Seely, Jack Lucas, Doreene Shurts, Annette Miller, Kevin Olson, Les Matsumura, Brent Overson, Sandra Tripp

WELCOME: Commissioner Overson welcomed those present, explained the process to be followed this evening and opened the meeting at 7:20 p.m. [19:20:54](#)

CONSENT AGENDA

1. Minutes for November 8 and 22, 2005			
2. 41H05 (Nick Norris/Planner)	Home Occupation Selling Novelty Items	Annette Miller 3682 W. 5100 S.	Approved with staff recommendations.
3. 42H05 (Dan Udall/Planner)	Home Occupation Voice Lessons	Doreene Shurts 4308 S. Arden Ct.	Approved with staff recommendations.

MOTION: [19:23:06 Commissioner Calacino](#) – I move for approval of the Consent Agenda – which includes the Minutes for November 8 (with minor changes) and November 22, 2005 (as presented), along with Item #2 and Item #3 as stated in staff report and by findings of fact.

SECOND: [Commissioner Daniels](#)

DISCUSSION: [Commissioner Overson](#) – I would like to clarify the hours of operation on Item #2, which should read 10:00 a.m. to 3:00 p.m. [19:24:26](#). Commissioners Calacino and Daniels agreed with the clarification by Commissioner Overson.

VOTE: All Commissioners voted in favor. Motion passes unanimously.

MOTION: [Commissioner Calacino 19:25:32](#) - I move that the order of the agenda be changed to hear Items #8 and #9 after #4.

SECOND: [Commissioner Bolton](#)

VOTE: All Commissioners voted in favor. Motion passes unanimously.

HOME OCCUPATION

4. 40H05	<u>Shanna Spicer, 2157 W. Quailbrook Drive (4800 S.)</u> – Pre-school (Michael Maloy/City Planner)
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4.1 **Mr. Maloy** oriented on the site plan, aerial and images. The applicant is proposing two pre-school sessions during the day (10:00 a.m. to noon and 1:00 p.m. to 3:00 p.m., Monday through Friday). There will be 12 children coming to the home each session. There is a double car driveway and a circular driveway located on the site. The applicant has stated that the applicant's daughter who lives in the home (Karen Cude), will be working in the pre-school. **Staff recommends approval subject to the following conditions:**

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That a maximum of two sessions are allowed per day.
3. The home occupation is subject to review upon complaint.
4. The play yard is not in the front yard and that the rear yard is only used after 8:00 a.m. as a play area.
5. A maximum of one name plate sign is allowed to be attached to the single-family home. The sign is allowed to be three square feet.
6. That adequate parking be provided on site to accommodate the homeowner's vehicles and customer vehicles coming to the home.
7. That the perimeter of the rear yard is fenced.
8. **[Changed by Motion]** That hours of operation are allowed from ~~6:00~~ **9:00** a.m. to ~~8:00~~ **4:00** p.m.
9. That the home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes.
10. **[Changed by Motion]** The applicant is limited to one employee. ~~living outside (or inside) the residence may work in the residence home occupation.~~
11. **[Added by Motion]** Limiting the time for fencing in the back yard to 120 days from the day of this meeting. Adding the requirement that the fence be a minimum of 6' in height.

4.2 **APPLICANT ADDRESS:** Shanna Spicer was present to answer questions.

- **Commissioner Overson** 19:29:30 wanted to make sure that the applicant was aware that the circular driveway needs to be kept clear of cars during the hours the day care is in operation and **Mrs. Spicer** advised she would comply with that.
- **Commissioner Jensen** 19:31:29 asked about the fence around the back yard and the play area and **Mrs. Spicer** 19:32:05 said that she had not planned to allow the children to play outdoors at this time of year and would not do so until their back yard is finished with the appropriate fencing installed. Access for the children is through the front door, so there is no reason for them to go into the back yard at this time.
- **Commissioner Barbour** 19:34:30 commented that the fencing of the back yard is a requirement by ordinance for day care home occupations, in order for the conditional use to be granted. **Mr. Udall** added that it should be installed prior to their receiving a business license. **Mrs. Spicer** said that the back yard is fenced now but there is no gate. **Commissioner Barbour** said that would be necessary prior to her opening the day care. **Commissioner Smith** 19:34:43 asked if there was access to the house which could be fenced off between the front and back yard, would there still be need for a gate? **Commissioner Overson** said that ordinance states that the rear yard needs to be completely fenced.
- **Commissioner Daniels** 19:35:11 wanted to bring to the attention of the applicant that the ordinance states a maximum number of 12 children is allowed. **Mrs. Spicer** 19:35:52 said they were not sure what the response would be but would be happy to care for 12 children eventually.
- **Commissioner Calacino** 19:36:16 wanted to clarify the fence issue and advised that he understood that the side and rear yards are fenced but there is no fence on the side yards between the house and the side yard fence and it does need to be installed, however, being that it is Winter now, he asked if there was the option that the fence is a requirement but to give them an extension to when the ground is thawed and they can dig the post holes. **Mr. Udall** said that was not possible if they are going to allow the children outside. **Commissioner Calacino** felt it would be hazardous to the children to allow them into the back yard when it is currently under construction. He wondered if a short term condition could be added on access to the rear yard until Spring when the yard can be landscaped and fencing installed. **Commissioner Overson** 19:37:42 said she was okay with that as long as the applicant understands that the children must be kept indoors and that a date specific is added to the motion.

4.3 **SPEAKING IN FAVOR OR OPPOSITION:** None

- 4.5 **MOTION:** Commissioner Daniels 19:38:08 - If there is no further discussion, I recommend approval of the proposed home occupation conditional use permit #40H05, subject to the existing conditions 1 through 10, with #10 being truncated to end at the word "employee" and with the aforementioned change of #8 that hours of operation are allowed from 9:00 a.m. to 4:00 p.m. and to add #11 to put a time limitation for installation of a fence in the rear yard and perhaps gates and I would recommend that time limit be for a period of 120 days from today.
- SECOND:** Commissioner Calacino. 19:39:04
Commissioner Overson restated the motion. 19:39:21
- DISCUSSION:** Commissioner Smith - I think we should stipulate the height of the fence. 19:40:04
Commissioner Daniels - I will accept the addition of a minimum of a 6' high fence.

Commissioner Overson - 19:40:38 Condition #11 is amended to read that the rear yard must be completely fenced with a 6' high fence around the unfinished portion of the yard and that it can be completed 120 days from today. The applicant has reiterated that this is a pre-school and the children will be kept inside.

Commissioner Calacino - I concur with that change to the motion as Second. I believe the motion was made to grant approval of the application based on the proposal and appearing that they can comply with the Zoning Ordinance requirements and mitigation factors that we have added to the use to make sure there is not a negative impact to the neighborhood and it does protect the health, safety and welfare of the residents and future pre-school students.

VOTE: All Commissioners voted in favor. Motion passes unanimously. 19:44:18

NOTE: Agenda #8 was heard at this point, however, is recorded in the Minutes in the original order.

CONDITIONAL USES

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|----|-------|---------------------------------------------------------------------------|
| 5. | 25C05 | <u>Jack Lucas/Ronald Daw (Signature Development/Prolifica LLC)</u> |
| 6. | 37C05 | 1300 W. Winchester Street (Michael Maloy/City Planner) |

5.1 **Mr. Maloy** oriented on the site plan, aerial map and images. 20:19:18 He advised that Jim Allred would be representing Prolifica LLC this evening before the Commission. These two developers have jointly requested approval of a conditional use permit amendment to relocate a common point of access from 1300 West. The original access point and adjoining private road, which was intended to serve both Signature Development and Prolifica LLC, was granted preliminary approval by the Planning Commission on August 23, 2005. Staff is concerned with the following information reference the site plan amendment:

- Building foot-print on revised site plan for Signature Development indicates a reduction in architectural definition and variation (compare with approved preliminary plan).
- Alignment and design of proposed interior trail system (which fails to connect with Winchester Street).
- Lack of proposed grading plan for entire site (early grading plans submitted by Signature Development indicated significant negative impacts on preliminary site plan).
- Site plan amendment does not include required dedicated right-hand turn lane for east bound traffic on Winchester Street or traffic signal relocation.
- Site plan amendment does not include Type I trail along Winchester Street (required by Planning Commission on September 13, 2005 during preliminary approval of Prolifica PUD).
- Lack of architectural terminus or sense of enclosure for new "T" intersection from 1300 West.
- Reduced planned open space within Signature Development (compare with approved preliminary site plan) and lack of adequate open space programming (see undersized gazebo on interior corner of Signature Development PUD).
- Insufficient streetscape plan along Winchester Street, 1300 West and interior roads. (Commission and staff have been extremely concerned with quality of landscape plan for all streetscapes within and adjacent to the PUD projects).

5.2 Staff initially recommended that the Planning Commission continue discussion of the CUP amendment to January 10, 2006 to allow staff to work with both development parties to resolve identified areas of concern. Staff also recommended the Commission conduct a non-binding "straw poll" to determine if a majority of the Commissioners support the proposed street realignment pending compliance with certain zoning and engineering requirements.

5.3 Staff subsequently prepared the following recommendation of preliminary approval if the Planning Commission desires to grant approval of the conditional use permit amendment request.

1. Design of relocated private road from 1300 West shall comply with all engineering and zoning requirements of the City.
2. New "T" intersection must be terminated by an architectural and/or landscape element to maintain sense of enclosure and intimacy, which was a significant design element of the preliminary site plan proposed by the applicant and approved by the Planning Commission. Design solution subject to Planning Commission final approval.
3. Alignment of proposed trail is not approved as shown on site plan amendment.
4. Final conditional use permit application shall be subject to all other conditions of preliminary approval as required by the Planning Commission.

5. **[Added by Motion] The Commission strongly encourages the developers to provide a better mix with the units.**

DISCUSSION: **Commissioner Barbour 20:30:47** asked if the amendment is approved, would it not negate the whole site plan because the Commission cannot work from the old one if this amendment is approved. **Commissioner Overson 20:33:37** agreed and said that if the amendment is approved, the Commission would need to see this again. **20:35:13 Mr. Maloy** advised that if the amendment is approved, the Commission probably would not see it again until the final approval was ready. There are also grading issues and approval of the amendment may create unintended consequences. **20:35:37 Commissioner Calacino** felt there was only one issue, which is whether or not an access from 1300 West should be moved north to split the existing property lines. That if the developers are proposing to alter the plan in any form with that alignment change in the road, then a new application showing that proposal is needed, showing the exact differences between the proposed change that the preliminary site plan approved by the Commission previously. He felt that what is being proposed now is a major change in the preliminary approval and creates significant issues. **20:36:43 Mr. Maloy** offered that the changes are more significant on the Signature Development site and that the Prolifica LLC site changes are comparatively minor.

5.4 **APPLICANT ADDRESS:** **Jack Lucas (Signature Development) and Jim Allred (Prolifica LLC)**. In response to the Planning Commission's concern that the site plan that was displayed had such a different look, **20:38:19 Mr. Allred** advised that they had removed the articulation from the drawing for simplification, which made the structures have a box like look instead of how they will actually look. The elevations of the structures have not changed. **20:40:39 Mr. Lucas** added that there are some minor changes to the site plan required by moving the access, i.e., increase in some square footage of units by putting master bedrooms on the main floors, but there has been no loss of the original design elements and there is still the required amount of green space left. Now there are 30 units instead of 31.

- **Commissioner Overson 20:44:59** asked if the developers were both comfortable with what is being proposed tonight, and they both answered in the affirmative. She expressed frustration that the gathering space on the corner was removed by this change.
- **20:46:13 Mr. Lucas** invited Walley Cooper (Signature's project architect) to speak to these issues at this point. **20:47:01 Mr. Cooper** discussed the renderings being shown, specifically with regard to the porches. He assured the Commissioners that the approved architecture of the structures would not change and that the change in size was necessary due to moving the master bedroom to the first floor to accommodate the targeted more mature client.
- **Commissioner Barbour 20:53:17** commented that even though the request tonight was for an amendment to relocate the access, it is also a change in the site plan and the application for amendment does not reflect that. **20:54:27 Mr. Cooper** said that in the original approval process, he did not recall the individual units being approved and it was stated that the developer would continue to evolve those units and suggested that the Minutes be researched on that matter. Second, as the units evolved, there would be some modification of the site plan, however, it was to be kept to the bare minimum. **Mr. Cooper** said that because of that they felt they had some latitude based on the previous approval to make some modifications in the site plan. He was of the opinion that the approval given was conceptual and they were to come back to the Commission with adjustments thereto. He felt that was left open for additional input on the final visit. **Commissioner Barbour** said that in her mind there is not a lot of latitude in the PUD. **Mr. Cooper** still felt that the site plan had not received anything but conceptual approval and would be back for further discussion and response to the conditions placed thereon by the Commission and Staff.
- **Commissioner Calacino 20:56:06** disagreed with Mr. Cooper's assessment and added that was true during conceptual review but once preliminary approval is given and there are firm drawings of both site plan and architectural, the Commission understands that is what it will look like. There was some discussion that the project would continue to evolve and it was not clarified as to what that would be but what is being proposed tonight is evolving in a direction that no one on the Commission had in mind at the time preliminary approval was granted.
- **Mr. Lucas 20:56:57** added that is the purpose for this meeting tonight. This is an amendment process with a major element of change associated with moving that road that requires modification to basically the alignment and location. It affects all the side yards and setbacks throughout the development, except for the south end of the site, which really has not changed dramatically at all. He agreed that adding the master bedroom to the main floor increases the footprint of the building.

- **Mr. Allred** [20:57:52](#) asked if the main problem for the Commission was if the units had not been enlarged, it would have been easier for the Commission to analyze it. **Commissioner Calacino** said it is easier to analyze when there is something in front of the Commission that shows what was approved and what is being asked for and tonight what is being shown is large diagrams with box looking type structures. To adequately review this proposal there must be something that shows the site plan changes. He also suggested the possibility of reorienting some of the buildings to better mix them up so that there is not one style on one side of the road and another on the other side. Perhaps by doing away with the property lines and making this a true mix.
- **Commissioner Daniels** [20:59:37](#) said he had been very supportive of the move towards more open space and more common ground on this site and was disappointed now to find that amenity has been removed.
- **Mr. Lucas** [21:00:05](#) asked that this proposal be moved forward and did not want a continuation for another month.

5.5 **SPEAKING:**

1. **Chet Nichols** [21:02:05](#) - (Mr. Nichols is a partner in the Signature Development site). He agreed that this project which has been on-going for a year now, has been a difficult process with two different owners but he felt the change in access was a positive step for much better circulation of the whole site and asked for approval.
2. **Utahna Tassie** [21:07:19](#) said that she would love to see a well-designed subdivision on this site but felt there was not enough green space included in this new proposal and also that this seemed to be driven by motives of financial gain by the developers. She would like them to return to the original plan
3. **Kevin Olsen** [21:08:55](#) owns property to the south of this proposal and wondered how close the road across the street was to the existing condominium development. **Mr. Maloy** said that it aligns directly with that access and conformed to the ordinance.

5.6 **DISCUSSION:**

- **Commissioner Barbour** asked exactly what the Commission was voting on tonight and **Mr. Maloy** [21:10:48](#) replied that when the alignment came to staff's attention, he asked the applicant to submit a site plan showing the alignment and actual footprints of the buildings in order to understand the impact of that realignment. He believed that what was being shown tonight is that proposal. The applicant has responded accurately to staff's direction. It is staff's responsibility to create the agenda description and he felt that accurately reflected what was at issue tonight. He assumed blame if there was an error committed. Where staff began to have concerns was that the site plan started introducing other changes beyond simply the location of the road on 1300 West and the necessary building layout changes. The proposed site plan represented other things that staff was not prepared to recommend approval on and in the initial staff report the recommendation was for continuation. It was always the intent of staff to continue to refine and improve the project. He felt they have the right to come back at final and present the changes and show compliance with preliminary conditions of approval. At that time the Commission would make the decision. In the pre-meeting, staff offered another recommendation of approval, however, felt that there were still unresolved issues. There is a difference in opinion on whether the proposed changes to the building footprints are acceptable. He proposed that the Commission approve the realignment but still have the applicants come back and address those other issues. The City is not the one holding the development teams up. The problem was that the developers could not come to agreement on how to handle the phasing and construction costs.
- **Commissioner Overson** [21:13:59](#) said that the options tonight are for the Commission to approve this proposal, continue it or deny it. Her personal preference was what the Commission originally approved and was concerned about the reduction in green space and the change in building orientations.
- **Commissioner Barbour** [21:15:22](#) felt this was a different site plan and was not just about relocating an access.
- **Commissioner Calacino** [21:15:43](#) was all for improving the project but felt there is still a ways to go. Issues of concern and design aspects were clearly explained and laid out for the developers at the

beginning of the project and he was disappointed to see it has taken so long to evolve. He had no problems with the realignment on 1300 West and would support giving preliminary approval.

- 5.7 **MOTION:** Commissioner Jensen – 21:18:28 Having seen a willingness on the part of the developer to cooperate with staff and the Commission, I feel the amendment is appropriate. I will make a motion in accordance with the staff report addendum, recommendations 1 through 4 for 25C05 and 37C05 and move for approval based on those four staff conditions. The Planning Commission will conduct the final conditional use review for approval.

SECOND: Commissioner Calacino 21:19:13

Commissioner Overson restated the motion 21:19:20 - The motion is to approve Files 25C05 and 37C05 in accordance with staff report addendum, identifying staff recommendations 1 through 4 with a second by Commissioner Calacino and based on the testimony heard tonight from the applicant, from citizens and comments offered by the Planning Commissioners.

DISCUSSION: Commissioner Calacino - I would like to ask Commissioner Jensen if he would consider adding another condition to the motion in that if we are granting an amendment to this project, that Condition #5 be that they inter-mix the buildings. Commissioner Jensen 21:20:02 – I don't believe that we can require that. Commissioner Calacino - To support why I am suggesting that, one is that the developers have come to an agreement to share an approach and are more than likely going to have one home owner's association. Every person who lives there will be part of that because all streets will be private and subject to private maintenance. I don't see that it matters where you put the buildings because you are still getting the same number of units per development, still going to build the same square footage, still form one home owner's association and when you sell, that person will be part of "a" home owner's association and not two separate ones. They are both PUD's and if they are so inclined to share all those other things, maybe they are so inclined to reposition a couple of buildings to make the overall development a little more interesting. Just food for thought because I feel it is important. 21:21:25 Commissioner Overson – Commissioner Jensen do you accept that amendment? Commissioner Jensen - Is it a requirement or a strongly considered suggestion? 21:21:41 I don't know that we can make such a requirement.

Commissioner Overson - The motion is now to approve with Conditions 1 to 4 and added amendment as condition #5. Mr. Maloy - The lot lines exist for a reason and to mix up the buildings would, in my opinion, lead to an instant appeal action by the developer. However, I do agree with and understand Commissioner Calacino's reasoning. Commissioner Overson - Commissioner Jensen – Do you accept Commissioner Calacino's recommendation? 21:23:30 Commissioner Jensen - I would change it to say the Commission strongly encourage the developers to mix up the units rather than make it a requirement. 21:23:42

Commissioner Overson - Then the motion is to approve staff conditions 1 through 4 and add #5 to strongly encourage the developers to provide a better mix with the units. Mr. Maloy - This is an evolving project and we will make sure that the applicant and staff work closely together so that there will be refinements at the final review by the Commission. 21:24:35.

Commissioner Daniels 21:25:11 - When I cast the vote on this petition, I am leaning strongly on #4. 21:25:33. I also at the same time congratulate the petitioners on working together very well finally. I see them moving towards a development that is not just to make money but give the community an asset.

Commissioner Overson asked for a vote.

VOTE: Commissioner Daniels – AYE
Commissioner Calacino – AYE
Commissioner Barbour – AYE
Commissioner Overson – NAY
Vote passes 5 to 2.

Commissioner Smith – AYE
Commissioner Jensen – AYE
Commissioner Bolton - NAY

7. 44C05 **Jack Lucas, 1590-1632 W. 6235 S.** – Residential Planned Unit Development Containing 14 Attached Dwellings. (Michael Maloy/City Planner) (Preliminary)

7.1 **Mr. Maloy** oriented on the site plan, aerial map and images. Mr. Lucas is requesting preliminary approval tonight for a proposal for 14 town homes on 1.58 acres of property with a common point of access from 6235 South. Dwelling unit density is 8.9 units per acre, which is the maximum permitted for this property. **Staff has prepared the following list of concerns for Commission discussion during the public hearing:**

- Compliance of proposed development with Planned Unit Development ordinance, including purpose statement.
- Lack of guest parking.
- Lack of interior sidewalk(s). Walkway from front door to street should also be added.
- Open space amenity does not appear to be desirable due to poor site location, which is adjacent to 6235 South and programming (picnic benches). Open space amenity needs to be both purposeful and desirable. Preliminary open space plan is clearly not a primary element of site design.
- Staff recommends construction of symmetrical masonry columns forming a gateway feature into development.
- Street trees along 6235 South should be located within public park strip.
- Potential grading problems on the subject property and adjacent properties. Development should respect existing site contours.
- Proposed fencing of perimeter property and within rear yards of townhouses (which would limit common open space) are not accurately shown on preliminary site plan. Applicant must first study adjacent properties and proposed grades for subject property and then propose a realistic design solution based on this information. Staff recommends an open fence plan (if any) along 6235 South instead of a solid masonry wall.
- Dwelling units lack architectural focal point due to understated front entry and prominent roof line. In general, staff prefers earlier building elevations when compared with revised elevations.
- During conceptual review, only two dwelling units had side-loading garages. Instead of increasing the number of side-loading garages, the applicant's preliminary site plan has eliminated all side-loading garages, which is contrary to comments made by the City during conceptual review.
- Street trees should be added to all landscape islands between adjacent driveways.
- Preliminary development plan may need to reduce the number of dwelling units to adequately respond to concerns identified by the Commission such as guest parking and open space plan.

7.2 Staff Recommendation – In accordance with staff addendum dated Dec 13, 2005, if the Planning Commission desires to grant approval of the conditional use permit, the following conditions are recommended:

1. Receive approval from and remain compliant with all applicable reviewing agencies and departments of the City of Taylorsville (i.e., City Engineer, Uniform Fire Authority, Taylorsville-Bennion Improvement District, etc.).
2. Planning Commission shall review final conditional use permit application for planned unit development (PUD) to ensure compliance with all applicable zoning codes unless otherwise permitted by the PUD ordinance.
3. Applicant must combine existing lots into one parcel, compliant with City and County regulations.
4. Resolve potential grading problems on the subject property and adjacent properties to the satisfaction of the City. In general, development should respect existing site contours.
5. Applicant shall provide an open space plan that creates positive, usable open space and shall contain amenities compliant with staff comments contained within the staff report or as otherwise directed by the Planning Commission. Open space plan shall be reviewed by the Planning Commission for final approval.
6. Applicant shall coordinate with City staff a plan for all public and private improvements including streets and sidewalks (if any). Infrastructure improvement plan shall address off-site improvements if required by the City Engineer. Planning Commission shall review plan for final approval.
7. Applicant shall provide an accurate, uniform street tree planting plan. Street trees should be planted 25 feet on center (or as otherwise directed by the Planning Commission). Trees may be adjusted for water meters and driveways. Street trees should also account for location of street lights and fire hydrants. Street trees should be added to all landscape islands between adjacent driveways. Street trees along 6235 South should be located within public park strip.
8. Provide site lighting plan and with product specifications. Street light pattern should be equally staggered on both sides of the street and not linearly aligned on one side only. Concrete bases for street light poles should be minimally exposed.
9. Applicant shall submit for final approval a decorative sign plan compatible with site design and architecture.
10. For final review, provide a landscape plan designed by a professional landscape architect (or other experienced professional acceptable to staff). Landscape plan shall contain construction details, species type, locations, quantities and plant sizes. Applicant is required to select a mixture of plants to create variety and "seasonal colors" within plant beds. As an important element of the required open space plan, landscape plan should represent an exceptional level in quality and address maintenance of open space.

11. Proposed fencing of perimeter property and within rear yards of townhouses (which would limit common open space) are not accurately shown on preliminary site plan. Applicant must first study adjacent properties and proposed grades for subject property and then propose a realistic design solution based on this information. Staff recommends an open fence plan (if any) along 6235 South instead of a solid masonry wall. Provide location, height and fence material specifications to be used in development for final approval by the Planning Commission.
12. Staff recommends construction of symmetrical masonry columns forming a gateway feature into development.
13. All utilities shall be screened from primary views either by fences or densely planted vegetation. Roof located vent stacks are to be screened or carefully located to minimize negative impact. Rear or hidden locations are preferable to easily viewable locations from adjacent roadways.
14. Except for decorative lighting such as a porch light or garage lanterns, lighting should be downward cast or oriented toward building architecture. Lighting plans should not utilize simple utility or flood lights.
15. Applicant shall submit for final approval product specifications on architectural details such as exterior lighting including street lights, house numbers, mail boxes, and as otherwise directed by the Planning Commission.
16. Preliminary material sample board should be refined for construction purposes prior to final approval; however, applicant shall maintain cement-based fibrous board or other similar paint-able lapped board as a primary fascia element. Stucco or similar products should be used sparingly (if any) due to construction problems and long-term maintenance.
17. Dwelling units lack architectural focal point due to understated front entry and prominent roof line. In general, staff prefers earlier building elevations when compared with revised elevations. Main entry should be refined as a focal point of the front elevation. Exterior door and window details must be compatible with architectural design or vernacular.

7.3 **City Engineer (Gordon Haight) Comments:**

1. This entire site drains back to the northeast corner. The developer will need to either fill the lot substantially to get the storm water to flow to the front or install a drain culvert to the east. The fill will require high retaining walls along the back and east side of the property. If the developer chooses to go with a drainage pipe, there will be easements that will need to be obtained. There could be a substantial cost savings to this project and the dental office to the west if the two projects could coordinate their storm water into a single system.
2. With the retaining walls and fences, the top of fences will likely be 12' high. The developer will need to include the retaining wall details in the final plans as well as a mass grading plan.
3. There is no visitor parking shown on this 20' wide road. The developer will either need to demonstrate a workable solution to keep people from parking on the road or they will need to add visitor parking.
4. The proposed location for the common mail box should be shown.
5. Show all utility services on final plans.
6. Storm drain plans will need to include required detention.
7. The developer will need to obtain a storm water pollution prevention permit from the State.
8. The developer will need to clear the name of the street with Salt Lake County.
9. The driveway grades will need to be shown on the plans.

7.4 **APPLICANT ADDRESS:** **Jack Lucas**. [21:32:32](#) **Mr. Lucas** advised that it is their intent to attract owners of high quality. The length of the cul-de-sac was changed in response to Commissioner Bolton's previous statement that it was of insufficient length. **Mr. Cooper** added [21:35:58](#) that the access restricts the amount of allocable green space, however, that there is sufficient space in another area on the site to install a 2,000 square foot park-like green space with benches and tables that would connect to the trail system.

- **Commissioner Overson** indicated she was confused by the site plan drawings, especially on the building design, reduction in green space and relative to fencing. [21:41:43](#). [21:45:09](#) **Mr. Cooper** explained the proposed landscaping together with small fences coming out from the wall essentially to separate off their areas and provide small privacy areas for each unit. [21:45:46](#) **Commissioner Overson** was concerned about green space and said she appreciated what had been done towards the street, however, was concerned that it is "towards the street" and would have liked it set back further away. She still would like to see more side loading garages and felt there were too many units and suggested reducing the number by one. [21:46:22](#) **Mr. Lucas** felt it would be a better use of the green space by benefiting the development residents in a centralized location rather than those who drive up and down the outside streets. With regard to the number of units, it could only be done by reducing the size of them and the market has proven that more square footage sells more easily.

- **Commissioner Bolton** [21:48:26](#) asked about the amount of useable open space in the back yards, site drainage, if the split level units would have walkout basements and what the elevation was from the existing roof to the ground. [21:49:33](#) **Mr. Lucas** responded that the east units would have walk-out entrances but there would be a gradual change in elevation and the design incorporates much more of a loft type situation where the two story building is not seen but more along the lines of a single level with dormers accessing the second story. [21:50:20](#) **Mr. Cooper** said that there will need to be a retaining wall built in the north corner where the site is lower. **Commissioner Bolton** was concerned that would make the fence along there 10' tall, to which **Mr. Lucas** replied that due to the elevation change, the fence would only actually be seen at 6' high. He added that would be dealt with during the engineering review.
- **Commissioner Calacino** [21:54:04](#) suggested installation of a storm drain to the east rather than a retention pond in the northeast corner as proposed. **Mr. Cooper** said it would not be a retention pond but rather a large French drain. Everything else on the site drains to the southeast [21:55:28](#). **Mr. Cooper** advised it is not a retention pond but rather a large French drain. Everything else drains to the southeast corner of the site except for that small area.
- **Mr. Lucas** said that they appreciate staff's conditions and hoped that they would now be allowed to move ahead with the project. [21:57:09](#)

7.5 **SPEAKING:** None.

7.6 **DISCUSSION:** [21:58:18](#) **Commissioner Calacino** said he had no architectural issues but that there are a lot of engineering concerns relative to this site but would defer to the City Engineer to work with the applicant on solutions. He felt that 12 units would be a better number and would alleviate much of the drainage problems. **Commissioner Barbour** [22:01:19](#) expressed hope that when this comes back for final, all conditions will have been met and there will be a clean plan that has been signed off by the City Engineer. [22:01:56](#) **Commissioner Daniels** [22:02:03](#) supported Commissioner Calacino's proposal to reduce the number of units to 12 because it would provide more available green space and more private areas for each unit.

7.7 **MOTION:** **Commissioner Bolton** [22:03:15](#) - I would make a motion that we approve Application 44C05 with the 17 staff recommendations as well as the nine engineering comments provided to us by staff.
SECOND: **Commissioner Calacino** [22:03:39](#)
Commissioner Overson restated the motion. [22:04:11](#)
VOTE: **Commissioner Daniels** – AYE **Commissioner Smith** – AYE
Commissioner Calacino – AYE **Commissioner Jensen** – AYE
Commissioner Barbour – AYE **Commissioner Bolton** – AYE
Commissioner Overson - AYE
Motion passes unanimously.

8.	43C05	Eldon Paskett, 5163 S. 2200 W. – Oversized Garage (Conditional Use Permit) (Dan Udall/City Planner)
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[19:44:50](#)

8.1 **Mr. Udall** oriented on the site plan, aerial map and images. Mr. Paskett is requesting a 989 square foot accessory building. On lots less than 15,000 square feet, all accessory buildings larger than 576 square feet require a conditional use permit. The garage also requires a conditional use permit because it is over 12' high measured from the original ground surface to the mid-point of the pitched roof. The building is proposed to be 16' measured to the mid point of the pitched roof and to be located on the northeast side of the lot. The applicant is proposing to provide red block (except on the west elevation) on the accessory building and install roof shingles to match his home. **Staff recommends approval subject to the following conditions:**

1. ~~[Deleted by Motion]–That the use is reviewed upon by complaint.~~
2. Receive approval from and remain compliant with all applicable reviewing agencies.

8.2 **APPLICANT ADDRESS:** **Eldon Paskett**. [19:47:34](#). There are several block garages in the surrounding area, many of which don't have brick on the front. **Commissioner Calacino** asked what the units that are immediately to the side and rear consist of. **Mr. Paskett** [19:48:18](#) said that the residence to the north has a detached block garage including brick facing. The residences to the south and to the rear do not have detached garages.

8.3 **DISCUSSION:** Commissioner Smith 19:48:56 felt that this is a substantial structure which he was certain would be done in good taste, therefore, he was in favor of granting the approval.

8.4 **SPEAKING:** None.

8.5 **DISCUSSION:** Commissioner Calacino 19:49:42 indicated that he understood the reasoning for the ordinance in looking at sizes of detached structures and their architectural qualities. He felt the reasons were valid and was glad to have the opportunity to look at these and appreciated property owners going through the process even though it may seem very cumbersome. He did not feel there was an issue with the size and height. Staff is only looking to see if we are willing to accept gray block on three sides of the structure instead of red or brick. In his opinion, a solid concrete masonry garage was preferred over wood framing and siding or even stucco. He had no issue with having gray block on three sides. 19:50:42. Commissioner Barbour 19:51:12 said she had driven past this area and noticed there are several detached garages in the area. She also had no concerns about the proposed color as she feels that color is a matter of personal preference.

8.6 **MOTION:** Commissioner Bolton - I move for approval of File #43C05 with staff recommendation #2 and removing #1 as being unnecessary.

SECOND: Commissioner Barbour

Commissioner Overson restated the motion.

Commissioner Calacino 19:53:10 Point of clarification with the motion to approve, we are then accepting the gray block on three sides.

VOTE:

Commissioner Daniels – AYE

Commissioner Smith – AYE

Commissioner Calacino – AYE

Commissioner Jensen – AYE

Commissioner Barbour – AYE

Commissioner Bolton – AYE

Commissioner Overson – AYE

Motion passes unanimously.

9. 45C05 <u>Linda Cleveland, 5076 S. Rocky Road (1840 W.)</u> – Animal Hobby Permit (Dan Udall/City Planner)

19:53:39

9.1 Mr. Udall oriented on the site plan, aerial map and images. The applicant is requesting to have five dogs and eleven cats. The dogs are mainly indoor animals and half the cats are outdoor and some stay mainly indoors. This lot is 7,780 square feet, with a well-maintained front yard and a fence along the perimeter of the rear yard. The applicant currently has six adult cats and five kittens. Two of the cats are licensed. All the cats are sterilized and only five have been immunized. The applicant has advised that all the cats will have been immunized by the end of December. Because of the high number of animals located on the site, staff is not making a recommendation in regards to this application. Staff has received a couple of phone calls from neighbors in opposition due to the number of animals involved. If the Planning Commission approves the CUP, staff recommends the following conditions:

1. That the use is reviewed upon by complaint with all requirements of applicable reviewing agencies.
2. Conditional Use Permit is subject to review upon substantiated and unresolved complaints. Complaints which cannot be resolved by staff or Salt Lake County Animal Services personnel may be grounds for permit revocation.
3. Property violations, if any, must be resolved prior to issuance of an animal hobby permit.
4. The applicant needs to apply all requirements that are applicable under Chapter 8 (animal permit regulations).

9.2 **APPLICANT ADDRESS:** Linda Cleveland. Commissioner Overson expressed concern to the applicant about the number of animals seeming to be excessive for the size of her home. 19:58:03 Ms. Cleveland answered that all animals except for two of the cats are mainly indoors and all have been spayed or neutered except for the kittens. She currently has six cats and five kittens. 19:59:23 Commissioner Calacino asked if all the adults had been spayed, where did the kittens come from and Ms. Cleveland replied she was just trying to find homes for the kittens and did not contemplate keeping them. Commissioner Smith 20:00:31 commented that he too loves animals but felt this amount was excessive. He recommended that as the older animals pass away, that they not be replaced. Commissioner Barbour 20:01:40 also said that she loves animals as much as anyone else but felt this was far too many animals for one home. She asked Ms. Cleveland if she was not aware that she could not legally keep that many animals and Ms. Cleveland replied that she was not, at least until 2003. She had tried to find homes for some of the animals but they kept returning.

9.3 **SPEAKING:**

1. **Don Watts**. [20:05:00](#) **Mr. Watts** lives across the street from Ms. Cleveland and felt she was a good neighbor. She has had a lot of pets for a long time. He did not know there was a requirement for an animal hobby permit and had no complaint because she has always taken good care of her animals.
2. **Marion Kemura**. [20:06:54](#) **Mrs. Kemura** advised that while Ms. Cleveland does take good care of her animals, there are numerous cats who litter their waste in her yard. She did not know if they were Ms. Cleveland's cats or not.
3. **Les Seeley**. [20:07:36](#) **Mr. Seeley** felt there was no way any animal owner could keep that many animals contained within their yard and eventually they would run the neighborhood and become nuisances.

9.4 **DISCUSSION:**

- **Commissioner Barbour** felt that even though the applicant obviously takes good care of her animals, this was still too many.
- **Commissioner Overson** agreed that the number of animals was excessive and suggested the number be reduced to six dogs or cats. [20:08:53](#)
- **Commissioner Calacino** [20:09:37](#) said that most hobby permits have been requests for an increase in one particular type of animal and never has there been one for this many at once. The current ordinance allows two dogs and two cats.
- **Commissioner Jensen** [20:10:53](#) suggested continuing the application to allow Ms. Cleveland to find homes for the kittens and come back to apply for a smaller number of animals. He added that as soon as the kittens are over four months old, they are then considered adult cats.
- **Commissioner Daniels** [20:12:08](#) advised that the applicant is allowed to have four animals and In order to allow them to have more there must be extenuating circumstances with no adverse impact on the neighbors. These animals are not strays but she only has the right to keep four animals.
- **Commissioner Barbour** [20:13:13](#) said she would be willing to allow the applicant to keep the three older cats and then as one expires, diminish the number subsequently back to the original allowable amount [20:14:21](#)

9.5 **MOTION: Commissioner Barbour 20:15:04 – I move that File 45C05 be approved for a hobby permit with the number of dogs being allowed to be three and the number of cats two.**

SECOND: Commissioner Calacino

Commissioner Overson restated the motion. [20:16:21](#)

DISCUSSION: Commissioner Bolton - Staff has added some recommendations. Commissioner Barbour – Those should be included in the motion.

Commissioner Overson restated the motion. [20:17:57](#) The motion is for approval for three dogs, two cats, with staff recommendations and based on the testimony heard from the applicant and some of the neighbors and what is contained in the staff report and with staff verbalizing complaints received in the past few days since the property owners notification letter was sent out. **Commissioner Calacino - Commissioner Barbour, would you consider an amendment to increase the number of cats to three? Per ordinance, she is allowed to have two dogs and two cats now and on average the Commission has been allowing three, therefore, the approval would be for three dogs and three cats. Commissioner Barbour - I would accept that amendment.**

VOTE: **Commissioner Daniels – NAY** **Commissioner Smith – AYE**
Commissioner Calacino – AYE **Commissioner Jensen – AYE**
Commissioner Barbour – AYE **Commissioner Bolton – AYE**
Commissioner Overson – AYE
Motion passes 6 to 1.

SUBDIVISION

[22:05:02](#) At this point, Commissioner Overson excused herself from hearing the following item due to conflict of interest in that her husband is the applicant. She left the room and also did not participate in the discussion during the pre-meeting. Commissioner Jensen, as Vice Chair, assumed duties of Chair in her absence.

10. 14S05 <u>Brent Overson, 5161 S. 1130 W.</u> – 9-Lot Regular Subdivision. (Dan Udall/City Planner) (Preliminary)

[22:05:53](#)

10.1 **Mr. Udall** oriented on the site plan, aerial map and images. This property is located adjacent to the Jordan River Parkway. In September of 2005, the City Council approved a zoning amendment from A-2 to A-1/zc. The zoning condition (zc) shows the lots on the property to be a minimum of a half acre. A general plan amendment was also approved to allow the zone change. The applicant is requesting a 20' wide private road to access the lots, which are proposed to be half acre to .53 acre. The private road is proposed with a cul-de-sac (500' in length) on the southeast side of the property. The private road is proposed to be an easement across the lots there. Therefore, the property owners will own part of the road. Staff believes that should be a public road and should match the public road that is located at the Meadows at Hidden Cove Subdivision Phase 4. Currently the applicant is proposing a 20' wide private road. The ordinance states that the road needs to be at least 25' wide. If it is a public road, then from top back of curb to top back of curb that would be 29'. The City Engineer has stated that there are several permits that need to be approved by agencies involved with the Jordan River corridor. [22:10:36](#)

10.2 **Staff initially recommended that the preliminary subdivision be denied for the following reasons:**

- The 4800 South Small Area Master Plan states that a long-term access road option be connected from 1130 West to the Richardson property (The Meadows and Hidden Cove Subdivision). This stub street is not provided on the subdivision plat.
- That the access road does not meet City public road standards and the road does not stub to the north and south to serve future residential lots.

10.3 [22:13:16](#) **Staff changed their recommendation during this meeting to continue the application because of the desire to have a public road access these lots.** That they would stub actually to the south and to the north, so a road could be extended from this property on to the Meadows at Hidden Cove in the future.

10.4 **DISCUSSION:** **Commissioner Calacino** asked if any applicable agencies had reviewed this application thus far and Mr. Udall said that only the City Engineer had completed his review. [22:14:32](#) **Commissioner Barbour** asked if the permits had been required yet and **Mr. Udall** said they had not and he was not aware if the applicant had made application to any State and Federal agencies with jurisdiction over the Jordan River corridor.

10.5 **SPEAKING:** **Kevin Olsen.** [22:17:13](#) **Mr. Olsen** is a property owner in the immediate vicinity. He advised that he had submitted a letter outlining his objections to this proposal (the letter has been included in the file). His main concern was his property becoming land locked without any access and about the lack of proper storm water drainage along with the 20' width of the proposed road being a safety hazard. He was in favor of installation of a perimeter fence. He expressed concern in his letter that the Commission might not be objective due to personal association with Mr. Overson and Mrs. Overson being on the Planning Commission and felt that the matter should be heard by the City Council instead for that reason.

10.6 **APPLICANT ADDRESS:** **Brent Overson.** [22:18:56](#) **Mr. Overson** indicated that he wanted to address the individual items of concern raised by staff.

1. The first item for discussion from Staff's analysis is whether or not this subdivision complies with the Small Area Master Plan. **Mr. Overson** advised that he had read his copy of the Small Area Master Plan in reference to the road system and did not find the language Staff referenced concerning a long term future access road option to the Richardson property (Meadows at Hidden Cove Subdivision) anywhere in it.

2. Also in Staff's analysis, they would like the road options to connect from 1130 West to the Richardson property or Meadows at Hidden Cove Subdivision Phase 4 located approximately 1000 West 5000 South. **Mr. Overson** said that during the public hearing process, the following items were generally opposed by the public: That a through road access be established between Hidden Cove and 1130 West. To provide a trail along the west edge of the Jordan River (although there was support to provide a trail connecting Taylors Cove and Hidden Cove Subdivisions). He continued on to say that on the trail issue, the citizens were adamantly opposed to a road connecting from the Richardson Subdivision south through that corridor to 1130 West. [22:21:08](#).

3. He said there are three places in the master plan that state unequivocally that, "Future development within the 1130 – 1250 West area should be strongly encouraged to develop with one half acre lots or acre lots on private lanes, 26' wide". It also says that, "the areas adjacent to and west of 1130 West are older neighborhoods with unique patterns of low density single family private lane development. In general, future development in these areas should maintain the established pattern of development. It is, therefore, recommended that future in-fill be limited to private access lanes onto one acre or one half acre lots."

4. **Mr. Overson** said that the only reference in the master plan to the roadway is in response to the problem with the Richardson property. The whole 4800 South Small Area Master Plan resulted because of the Richardson property. The Richardson property extends all the way to the Jordan River and when the Richardsons developed one of their areas, they chose not to access 1130 West through their property, which the Planning Commission and City Council allowed.

5. **Mr. Overson** continued on to say that during the course of discussion about the Small Area Master Plan, on March 7, 2001 in the public hearing, there were still concerns raised by the residents in Hidden Cove about all the traffic from the development going through their subdivision. There are essentially two accesses in Hidden Cove that access 4800 South, which basically satisfies the two access rule. However, staff recommended and the City Council insert the language, "It is felt this property cannot be reasonably developed without providing at least two workable access roads to the site." Options to assure this occurs are illustrated in Map 1 through the Hidden Cove neighborhood and eventually to 4800 South via a new connection to the south and west of 1130 West." He advised that it did not say that it should be a long term future access road option to the Richardson property. [22:24:30](#)

6. **Mr. Overson** said the point he was trying to make is that the Small Area Master Plan does make a statement with respect to accessing this property. It also says in minor language with respect to there should be some option to accessing this. The Richardson's chose not to access through 1130 West. All the people who live south of this were opposed to a road coming along that direction because they knew that would circulate traffic through their neighborhood. That is not what they wanted. So, the emphasis was that the development south of the Richardson property would be a private lane development with half acre or larger lots. That is why Mr. Overson chose to ask for half acre development on a private lane. He feels that staff may have miss-read his plan, wherein there is a 30' wide road (20' of hard surface and two 5' wide swells on each side). That was his engineer's attempt to try to deal with the storm water but **Mr. Overson** said he was flexible and can direct him to make sure the surface of the road is at least 25'. He further commented that the road south of there is not necessary.

7. **Mr. Overson** advised that he has documentation of this, wherein in 1999 there was a property consisting of six lots approved by the Planning Commission and the City Council as the Adams Subdivision. He said that to his knowledge there are only three places in the City where there is a zoning condition (zc) designation: One is on the Richardson property, another is on the piece of property being heard this evening and the first one was on the Adams Subdivision, which was for two ¼ acre lots and the remainder of the property being at least one acre lots.

8. He felt that to require that the road extend through there and then on to that property would require the Commission to change that subdivision and condemn the property and tear down a barn on the site, which he did not feel was necessary and not what the master plan asked for. The master plan has asked for private lane development on half acre lots and that is what he was presenting.

9. **Mr. Overson** said with respect to the access in the back, the 100' line illustrated on the map is in the wrong place according to the survey done for this plat. This property belongs to Murray City (showed location on displayed map). That Kevin Olsen has approached Murray City with an offer to buy the property and Murray City declined because Mr. Olsen was not the only person who has property adjacent to that parcel. Murray City has subsequently advertised this parcel as surplus property for sale and if Mr. Olsen intends to buy it, Mr. Overson will need to bid against him in order to preserve this development. He felt the staff wants a 50' corridor there in order to protect Mr. Olsen's property, to which he objects.

10. **Mr. Overson** did not want to delay this any longer but would support a continuation of this application if the Commission was inclined to agree with him that there should be a private road with half acre lots and there should be no stub streets to the north and south. [22:31:09](#) He went on to say that it was not reasonable for the Commission to expect him to bear the burden for the Richardson family to stub a street north to gain access to the back end of a piece of property that was already subdivided and that cannot be subdivided any further without this public road. The neighbors are absolutely opposed to a

stubbed road. So, that is the road issue. That is the access to this space that no one wants that the Commission and staff want me to preserve access for.

11. **Mr. Overson** then addressed the issue of permits. He said the reason why no permits have been applied for is because he doesn't know what to apply for yet. He E-mailed Gordon Haight (City Engineer) and asked him specifically which permits he thought were required. He felt the Staff report is the "shot gun" approach to those permits wherein there are over 27 agencies that have jurisdiction over the Jordan River. [22:32:26](#) He said that he was not going to get a letter from all 27 agencies on this subdivision because it is not necessary. From his experience in the past having developed over 350 acres along the Jordan River, he felt he only needed applications from Salt Lake County Flood Control, that there was no need for any FEMA permits nor from the Army Corps of Engineers because it did not impact the 100 year flood plain, the meander corridor, nor involve wetlands. That all the property to the east is within the 100 year flood plain but not this particular piece. There will be no discharge of flood or storm water into the Jordan River, therefore a 404 permit from the Army Corps of Engineers is not needed. [22:34:53](#)

12. In summary, **Mr. Overson** advised that he felt he was in compliance with the Small Area Master Plan. It is half acre lots and he saw no reason to have to stub roads into there for access to development that the property owners do not want to have and which should not occur especially where there is a recorded subdivision already in place to the north. [22:37:07](#)

10.7 **DISCUSSION:**

1. **Kevin Olson** [22:37:37](#) added that his property is not in the zoning condition area. With access it can be developed and with an easement access it could be developed with half acre lots, which is what Mr. Overson has. It could potentially be a land locked weed patch. He wants to acquire the land along the river to accommodate the trail potential. It is presently horse property.
2. **Mr. Overson** [22:38:25](#) said that Mr. Olson is making a point of the fact that he has a piece of land locked property. He advised that when Mr. Olson purchased the property, it was barely over one acre and was zoned A-2. Mr. Olson subsequently went through the process and got it zoned A-1. He immediately applied for a subdivision of his property. He had a 10,000 square foot lot that fronts 1130 West, which is allowed. The balance of his property is .86 acres. With a private road, the requirement is to have a half acre minimum. Even if the road is stubbed as staff is requesting, Mr. Olson could not build on it because he has less than one acre left of his property. **Mr. Udall** advised that in an A-1 zone he is allowed a 10,000 square foot lot on a public road, which is what staff has asked for.
3. **Mr. Olson** [22:39:31](#) replied, if he accesses off the back as Mr. Overson has said, a half acre would be required there but from the existing street where Mr. Olson's home is, only 10,000 square foot lots are required. The code reads greater than three lots require half acre lots. He could do a half acre in the back and could have a 10,000 square foot lot for his own home and have room to spare.
4. **Commissioner Barbour** [22:40:14](#) said that if what Mr. Olson is saying is true, the access would have to come from his property. **Mr. Olson** advised that he would like an easement in place to avoid land locking that back parcel.
5. **Mr. Overson** [22:40:54](#) commented that Mr. Olson had a choice when he came in for a subdivision and could have two half acre lots and could have come in for some kind of a plan that would have accessed the back of his property. He chose not to do so and Mr. Overson felt that he was now trying to make him bear the burden of that previous decision and Mr. Overson was unwilling to do that.
6. **Mr. Olson** [22:41:20](#) said that the proposed private lane to the north of his property was proposed after his land was developed with a cul-de-sac. Now he is left in the middle and although it may have been a mistake in not having foresight, nevertheless, it will now be landlocked.
7. **Commissioner Calacino** made a motion to close the public hearing to end the debate presently going on between Mr. Overson and Mr. Olson commenting that this is not the correct forum for these two gentlemen to air their differences.
8. **Mr. Overson** asked to make one more comment and that was for the Commission to look at the pertinent documents before making their decision. [22:42:34](#)

THE PUBLIC HEARING PORTION OF THE MEETING WAS CLOSED AND OPENED TO THE COMMISSION FOR DISCUSSION OR A MOTION.

1. **Commissioner Calacino** [22:43:06](#) asked the two gentlemen involved to work out their differences in another arena. The Commission will make a decision based on the ordinance and guiding principles of the general plan and testimony but not because those involved don't get along.
2. **Commissioner Daniels** [22:43:11](#) wanted clarification from staff on existing road widths and proposed road widths. **Mr. Udall** said that the applicant is proposing a 30' wide road with two 5' swells. [22:43:46](#). **Commissioner Daniels** then asked if the staff requirement for 20' of pavement were not the same thing essentially.
3. **Commissioner Calacino** [22:44:50](#) added his comments:
 - That the drawing in the staff report shows 20' of right of way which he assumed to be 20' of pavement. The intention may be to have a 30' right of way but what the Commission is seeing shows only 20' of pavement with a potential of a 30' right of way if that is to include a 5' swell on each side. To answer the question posed by Commissioner Daniels, 20' is allowed by ordinance for a private right of way but when they exceed 500' in length, they must be 25' wide. What is being proposed here is a 30' right of way if the private street is proposed but they will have to have 25' of pavement to be in compliance with the ordinance. Staff is recommending that this be a standard public street, which would be a 50' right of way with basically 30' of road from back of curb to back of curb. He continued on to say that a lot of information has been presented, some of which is being interpreted differently from differing perspectives.
 - He disagreed with the applicant's perception because Map 1 of the Small Area Master Plan does specifically have the wording, "long term future access road option to Richardson property" and shows it coming from the subject property as well as other ones along the Jordan River. It also goes on to say, "provide long and short term access options to the Richardson property through the Hidden Cove neighborhood to 4800 South and to the south and west along the Jordan River to 1130 West". It is exactly in line with staff's report and does affect this property and others along there.
 - On the other one which talked about potential future infill within the 1130 West and 1175 West neighborhood being limited to one half acre, that actually is on a map and shows the area west of 1130 West being referenced for that, not east of 1130 West where the subject property is. There seems to be a misunderstanding on the part of both parties but the map makes it very specific. This is a general plan and not the ordinance. He referred to the ordinance where it talks about arrangement of streets, saying it is very straight forward. It says the arrangement of streets in new subdivisions (which is being proposed), shall make provisions for the continuation of the existing streets and adjoining areas and shall provide access to un-subdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the Planning Commission. New streets must connect with existing public streets. Therefore, it would fall to the Commission to determine whether or not they believe the design of the subdivision is in a situation where streets should be stubbed to adjoining properties for future access.
 - He went on to say that the subdivision ordinance says that the Planning Commission shall not act upon any preliminary plat unless written approval has been received from the Community Development Department and other concerned agencies, including but not limited to the agencies and departments of the City who review development plans. Therefore, because there are no preliminary approvals from any agency, whether Flood Control or FEMA, etc., City Staff in the development review process will determine which agencies the Commission needs to hear from. However, at this point there are no preliminary approvals from any agency on this development. Therefore, this review on this proposal would likely be conceptual and not preliminary as stated in the staff report. Conceptual because the issues are design and conceptual issues that need to be cleaned up and the issues addressed and brought back sometime in the future. [22:49:10](#)

- **Commissioner Calacino** added that he felt the street should be public, there should be such design as to allow for connection to the north and possibly to the south for the following reasons: It is inappropriate and uncalled for to add another nine homes, whether one half acre or not on the end of 1130 West when everyone on 1130 West can only get out to 4800 South along 1130 West, which is already under developed, over used and over burdened, therefore, another access out from the southern end of 1130 West, is appropriate, if for no other reason than to accommodate the people who live on the end of the street, not those who live to the north. That would better serve several health, safety and welfare issues for this general area and the City as a whole.
 - He expressed dismay that 1130 West does not connect to 5400 South, which he felt would be a better traffic flow. Also, for the street within the subdivision, he felt the lots need to be half acre excluding the roadway. If they want to still go to the center line that is fine but the lots need to be half acre excluding the road. As far as the lots to the north not connecting through, the subdivision can easily be amended, the zoning could easily be changed to allow smaller lots and public streets could be developed. **Commissioner Calacino** did not believe that dead end streets in the City is appropriate when there are other options available. He was hopeful the applicant would incorporate some of his comments when this application comes back before the Commission.
 - 4. **Commissioner Smith** [22:51:28](#) added that the applicant needs to follow the same proper procedure that would be required of any other applicant.
 - 5. **Commissioner Barbour** commented that she remembered during the public hearings for the Small Area Master Plan that the room was packed and the citizens were adamant that they did not want the streets to go through and wanted the area left as is.
 - 6. **Commissioner Calacino** added that the traffic has to go some place and as 1130 West is presently patterned it is very hazardous. Dead end streets should be the last resort and not the first. He also expressed concern with preserving the Jordan River corridor.
 - 7. **Commissioner Jensen** [22:54:31](#) The 100' and 50' easement along the Jordan River is entirely appropriate. It is important to preserve the Jordan River. There is a need to insure continued consistent access throughout the length of the river through our City on the west side of it. Whether there is a trail there or not, it needs to be preserved because once it is gone, it would be very difficult to replace. He agreed that there is a zoning requirement and ordinance requiring access. There is a legitimate right and responsibility to provide access to everybody who lives in that area. No property should be landlocked and there must be access for emergencies, etc.
- 10.9 **MOTION: 22:55:39 Commissioner Calacino** - If there is no further discussion, I firmly believe that this proposal should be continued. It is not in a state where preliminary approval is deserved, so I would make a motion that we continue this proposed nine lot subdivision, Application 14S05. I would like to continue it to a date certain but I don't know how long it is going to take to have some of the issues resolved and actually have a preliminary plat drawn to City standards and being able to be reviewed by the applicable agencies and try to comply with the comments displayed here today. Therefore, I would make a motion that we continue it to at least no later than our first meeting in April 2006 in order to allow the applicant time to address the issues and concerns as mentioned and comply with the bare bone minimums of the requirements of our zoning ordinance, which unless they are going to be changed between now and then, we have no way to waive those.
- DISCUSSION: Commissioner Barbour 22:56:56** - It sounds to me like we are saying that we are looking for a connecting public street through there. **Commissioner Calacino** - As one Planning Commissioner, that is my position. **Commissioner Barbour** - The applicant needs to know which way we are leaning in this regard. **Commissioner Calacino 22:57:26** - I can try to clarify the comments I have made. That the subdivision has a public street, that it stubs to the north minimum and possibly to the south. That the 100 year flood plain setbacks be denoted as possible and that the lots be a half acre, excluding the road. It may reduce the subdivision by one lot. We need to see it back and it needs to have at least a preliminary approval from the applicable reviewing agencies. I think by doing that, it will comply with the ordinances and it will comply with the 4800 South Small Area Master Plan. I believe it will then better serve the community as a whole and be a better development.
- SECOND: Commissioner Smith.**

Commissioner Jensen 14S05 – The motion is to continue Subdivision 14S05 to no later than April 2006 with the understanding that future public streets connecting north and south will be allowed for. That accommodation will be made for the 100 year flood plain. That there be half acre lots as a minimum and that all preliminary approvals will be received from agencies involved with the Jordan River corridor. Commissioner Calacino - Clarification, it is not just the 100 year flood plain but also the 100' setback from the river as our general plan requires and I think the State requires 50' and our plan requires 100' as basically a no build zone easement. Commissioner Jensen - We are at the point where we can have a vote. Everyone in favor of the motion to continue say AYE.

VOTE: Commissioner Daniels – AYE Commissioner Smith – AYE
Commissioner Calacino – AYE Commissioner Jensen – AYE
Commissioner Barbour – AYE Commissioner Bolton - AYE
Commissioner Overson was not present during the hearing for this item and did not vote. Commissioner Rushton-Carlson (alternate) had to leave the meeting prior to this item being heard, therefore, did not vote.
 Motion passes 6 to 0.

NOTE: Commissioner Overson returned to the meeting at 11:00 p.m. and resumed duties as Chair.

ORDINANCE AMENDMENTS

11. 18Z05 Amending Various Provisions in the Subdivision Ordinance to Correct Conflicts with the Land Use, Development and Management Act.

23:01:20

11.1 Mr. McGrath asked for approval of the written draft submitted to the Commissioners for review in their packets.

11.2 **DISCUSSION:** No Commissioners voiced any concerns with the draft as written. (Copy has been filed with the Minutes).

11.3 **SPEAKING:** None.

11.4 **MOTION:** Commissioner Daniels 23:03:00 - I move for approval for a positive recommendation to the City Council for Agenda Item 11, 18Z05 as presented by staff.

SECOND: Commissioner Barbour

VOTE: Commissioner Daniels – AYE Commissioner Smith – AYE
Commissioner Calacino – AYE Commissioner Jensen – AYE
Commissioner Barbour – AYE Commissioner Bolton - AYE
Commissioner Overson - AYE
 Motion passes unanimously.

12. 19Z05 Amending Various Provisions in the Zoning Ordinance to Correct conflicts with the Land Use, Development and Management Act.

12.1 Mr. McGrath asked for approval of the written draft submitted to the Commissioners for review in their packets.

12.2 **DISCUSSION:** No Commissioners voiced any concerns with the draft as written. (Copy has been filed with the Minutes).

12.3 **SPEAKING:** None.

12.4 **MOTION:** [Commissioner Daniels 23:04:46](#) - I move for approval for a positive recommendation to the City Council for Agenda Item 12, 19Z05 as presented by staff.

SECOND: [Commissioner Barbour](#)

VOTE: [Commissioner Daniels](#) – AYE

[Commissioner Calacino](#) – AYE

[Commissioner Barbour](#) – AYE

[Commissioner Overson](#) - AYE

Motion passes unanimously.

[Commissioner Smith](#) – AYE

[Commissioner Jensen](#) – AYE

[Commissioner Bolton](#) - AYE

13. 20Z05 Adding Chapter 13.62 to the Zoning Ordinance in Regards to Residential Facilities for Elderly Persons and Persons with a Disability.

13.1 **Mr. McGrath** asked for approval of the written draft submitted to the Commissioners for review in their packets.

13.2 **DISCUSSION:** No Commissioners voiced any concerns with the draft as written. (Copy has been filed with the Minutes).

13.3 **SPEAKING:** None.

13.4 **MOTION:** [Commissioner Daniels 23:06:09](#) - I move for approval for a positive recommendation to the City Council for Agenda Item 13, 20Z05 as presented by staff.

SECOND: [Commissioner Barbour](#)

VOTE: [Commissioner Daniels](#) – AYE

[Commissioner Calacino](#) – AYE

[Commissioner Barbour](#) – AYE

[Commissioner Overson](#) - AYE

Motion passes unanimously.

[Commissioner Smith](#) – AYE

[Commissioner Jensen](#) – AYE

[Commissioner Bolton](#) - AYE

BUSINESS ITEM

14. Canceling Planning Commission Work Shop Meeting in December 2005

14.1 **MOTION:** [Commissioner Barbour](#) - I move that the work session scheduled for December 27, 2005 be cancelled.

SECOND: [Commissioner Calacino](#)

VOTE: All Commissioners voted in favor. Motion passes unanimously.

MEETING REVIEW – Review of City Council Meeting (Commissioner Bolton). **Commissioner Bolton** said there were no planning matters on the agenda but went over other items of interest to the Commission. [23:09:58](#)

ADJOURNMENT: By motion of **Commissioner Calacino** the meeting was adjourned at 11:20 p.m.

Respectfully submitted by:

Jean Gallegos, Administrative Assistant to the
Planning Commission

Approved in meeting held on January 10, 2006.